



U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**APPEAL BRIEF TRANSMITTAL &  
PETITION FOR EXTENSION OF TIME**

Docket Number:  
**10191/2377**

Conf. No.  
**9048**

Application Number  
**10/089,623**

Filing Date  
**July 24, 2002**

Examiner  
**Edan ORGAD**

Art Unit  
**2618**

Invention Title  
**METHOD OF TELECOMMUNICATION  
BETWEEN AT LEAST ONE MAIN STATION  
AND ONE TERMINAL, AND MATCHING  
DEVICE THEREOF**

Inventor  
**Joseph LAUMEN et al.**

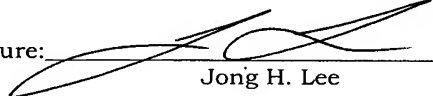
Address to:

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: February 21, 2007

Reg. No. 36,197

Signature: 

Jong H. Lee

Further to the Notice of Appeal dated December 14, 2006 (received at the PTO on December 21, 2006) for the above-referenced application, enclosed are three copies of an Appeal Brief.

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 41.20(b)(2) appeal brief filing fee of **\$500**, and any additional fees associated with this communication, to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**.

 (R. No. 36,197)

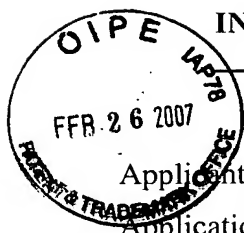
Dated: February 21, 2007

By: JONG LEE for Gerard Messina

Gerard A. Messina (Reg. No. 35,952)  
KENYON & KENYON LLP  
One Broadway  
New York, N.Y. 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**  
PATENT & TRADEMARK OFFICE

D AF-

[10191/2377]



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants : Joseph LAUMEN et al.  
Application. No. : 10/089,623  
Filed : July 24, 2002  
For : METHOD OF TELECOMMUNICATION BETWEEN AT LEAST  
ONE MAIN STATION AND ONE TERMINAL, AND  
MATCHING DEVICE THEREOF  
  
Art Unit : 2618  
Examiner : Edan Orgad  
Conf. No. : 9048

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: February 21, 2007

Reg. No. 36,197

Signature: \_\_\_\_\_

Jong H. Lee

**APPELLANTS' APPEAL BRIEF**  
**UNDER 37 C.F.R. § 41.37**

SIR:

Applicants filed a Notice of Appeal dated December 14, 2006 (received at the PTO on December 21, 2006), appealing from the Final Office Action dated June 14, 2006, in which claims 30, 31, and 37-42 of the above-identified application were finally rejected. This Brief is submitted by Applicants in support of their appeal.

02/26/2007 TBESHAH1 00000058 112500 10009623  
01 FC:1402 500.00 DA

## **I. REAL PARTY IN INTEREST**

The real party in interest in the present appeal is Robert Bosch GmbH of Stuttgart, Germany. Robert Bosch GmbH is the assignee of the entire right, title, and interest in the present application.

## **II. RELATED APPEALS AND INTERFERENCES**

No appeal or interference which will directly affect, or be directly affected by, or have a bearing on, the Board's decision in the pending appeal is known to exist to the undersigned attorney or is believed by the undersigned attorney to be known to exist to Applicants.

## **III. STATUS OF CLAIMS**

Claims 15 and 18 to 42 are pending in this application. Claims 15, 18-29 and 32-36 have been allowed in the December 15, 2005 Office Action. Claims 30, 31, and 37-42 are being appealed. Claims 1 to 14 were canceled and claims 15 to 29 were presented in the Preliminary Amendment dated April 1, 2002. Claims 30 and 31 were added in the Amendment dated October 3, 2003. Claims 16 and 17 were canceled in the Amendment dated February 25, 2004. Claims 32 to 36 were added in the Amendment dated August 26, 2004. Claims 37 to 42 were added in the Amendment dated May 5, 2005.

## **IV. STATUS OF AMENDMENTS**

No amendment has been made subsequent to the final Office Action mailed on June 14, 2006.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

With respect to claim 30, the present invention provides a method for transmitting messages between at least two main stations (Fig. 2, element 1, 2, 3) and a terminal (5) via a telecommunications network (10), the method including providing a matching device (15) between the at least two main stations (1, 2, 3) and the terminal (5); and controlling a message exchange using the matching device (15), the message exchange being controlled in dependence upon at least one request from one of the at least two main stations (1, 2, 3). (Fig. 2; Substitute Specification, p. 8, l. 5 to p. 10, l. 32).

With respect to claim 31, the present invention provides a matching device (15) for transmitting messages between at least two main stations (1, 2, 3) and a terminal (5) via a

telecommunications network (10), the matching device including at least one interface (11, 12 13) to at least one of the at least two main stations (1, 2, 3); an interface (20) to the terminal (5); a storage device (25) configured to store at least one request from at least one of the at least two main stations (1, 2, 3) for controlling a message exchange between the at least two main stations (1, 2, 3) and the terminal (5); and a control unit (30) configured to control the message exchange as a function of the at least one request. (Fig. 2; Substitute Specification, p. 8, l. 5 to p. 10, l. 32).

With respect to claim 37, the present invention provides a method for transmitting messages between different main stations (1, 2, 3) and at least one terminal (5) via a telecommunications network (10), the different main stations (1, 2, 3) offering different services, the method including controlling an exchange of messages by a matching device (15) between the different main stations (1, 2, 3) and the terminal (5) as a function of at least one request of the terminal (5); and matching by the matching device (15) in the direction of transmission from the different main stations (1, 2, 3) to the terminal the different services to a uniform service according to the at least one request of the terminal (5). (Fig. 2; Substitute Specification, p. 8, l. 5 to p. 10, l. 32).

With respect to claim 38, the present invention provides a method for transmitting messages between different main stations (1, 2, 3) and at least one terminal (5) via a telecommunications network (10), the different main stations (1, 2, 3) offering different services, the method including controlling an exchange of messages by a matching device (15) between the different main stations (1, 2, 3) and the terminal as a function of at least one request of the terminal (5); and matching by the matching device (15) in the direction of transmission from the different main stations (1, 2, 3) to the terminal (5) the different services to a uniform transmission mode according to the at least one request of the terminal (5). (Fig. 2; Substitute Specification, p. 8, l. 5 to p. 10, l. 32).

With respect to claim 39, the present invention provides a method for transmitting messages between at least one main station (1, 2, 3) and at least one terminal (5) via a telecommunications network (10), the method including controlling an exchange of messages by a matching device (15) between the at least one main station (1, 2, 3) and the terminal (5) as a function of at least one request of the at least one main station (1, 2, 3); and matching by the matching device (15) at least one property for the transmission of the message to the at least one request of the at least one main station (1, 2, 3), wherein the at least one property for the transmission of the message includes at least one of a data type, a data format, and a transmission mode. (Fig. 2; Substitute Specification, p. 8, l. 5 to p. 10, l. 32).

With respect to claim 40, the present invention provides a telecommunications network (10), which includes a plurality of different main stations (1, 2, 3) to offer different services; a terminal (5); and a matching device (15) arranged between the different main stations (1, 2, 3) and the terminal (5) to control an exchange of messages between the main stations (1, 2, 3) and the terminal (5) as a function of at least one request of the terminal (5), the matching device (15) in a direction of transmission from the different main stations to the terminal matches the different services to a uniform service according to the at least one request of the terminal (5). (Fig. 2; Substitute Specification, p. 8, l. 5 to p. 10, l. 32).

With respect to claim 41, the present invention provides a telecommunications network (10), which includes a plurality of different main stations (1, 2, 3) to offer different services; a terminal (5); and a matching device (15) arranged between the different main stations (1, 2, 3) and the terminal (5) to control an exchange of messages between the different main stations (1, 2, 3) and the terminal (5) as a function of at least one request of the terminal (5), the matching device (15) in the direction of transmission from the different main stations (1, 2, 3) to the terminal (5) matches the different services to a uniform transmission mode according to the at least one request of the terminal (5). (Fig. 2; Substitute Specification, p. 8, l. 5 to p. 10, l. 32).

With respect to claim 42, the present invention provides a telecommunications network (10), which includes at least one main station (1, 2, 3); a terminal (5); and a matching device (15) arranged between the at least one main station (1, 2, 3) and the terminal (5) to control an exchange of messages between the at least one main station (1, 2, 3) and the terminal (5) as a function of at least one request of the at least one main station (1, 2, 3), the matching device (15) matches at least one property for a transmission of the message to the at least one request of the at least one main station (1, 2, 3), wherein the at least one property for the transmission of the message includes at least one of a data type, a data format, and a transmission mode. (Fig. 2; Substitute Specification, p. 8, l. 5 to p. 10, l. 32).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The following grounds of rejection are presented for review on appeal in this case:

(A) Whether claims 39 and 42 are anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,473,609 ("Schwartz").

(B) Whether claims 30 and 31 are unpatentable under 35 U.S.C. § 103(a) over Schwartz in view of U.S. Patent No. 6,088,594 ("Kingdon").

(C) Whether claims 37, 38, 40 and 41 are unpatentable under 35 U.S.C. § 103(a) over Schwartz in view of Kingdon.

## **VII. ARGUMENTS**

### **A. REJECTION OF CLAIMS 39 AND 42**

Claims 39 and 42 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,473,609 ("Schwartz").

Claim 39 relates to a method for transmitting messages between at least one main station and at least one terminal via a telecommunications network, the exchange of messages being controlled by a matching device between the at least one main station and the terminal as a function of at least one request of the at least one main station, the matching device matching at least one property for the transmission of the message, in particular the data type, the data format or the transmission mode, to the at least one request of the at least one main station.

Similarly, claim 42 relates to a telecommunications network, which includes at least one main station, a terminal, and a matching device arranged between the at least one main station and the terminal to control an exchange of messages between the at least one main station and the terminal as a function of at least one request of the at least one main station, the matching device matches at least one property for a transmission of the message to the at least one request of the at least one main station, wherein the at least one property for the transmission of the message includes at least one of a data type, a data format, and a transmission mode.

Schwartz, by contrast, refers to a mobile unit that is connected to a link server via a radio communication network, and to service providers that are connected to the link server via a fixed network developed as Internet. Here, the link server has the task of carrying out a format transformation of the signals received by the Internet (e.g., HTML) into signals which are able to be transmitted via the radio communications network to the mobile station and displayed there (e.g., screen description data (SDD)). In the format transformation, the link server must observe requests of the mobile unit with respect to type and size of the display device of the mobile unit. Hence, the request is transmitted by the mobile unit to the link server. (See col. 11, lines 18 to 33).

According to the subject matter of claims 39 and 42, by contrast, the message exchange is controlled by the matching device as a function of at least one request of the at least one main station, which means that, according to the subject matter of claims 39 and 42, the request for the control of the message exchange of the matching device is made on the part of

the at least one main station, and not on the part of the terminal, as taught by Schwartz. Indeed, Schwartz does not disclose or suggest that the format transformation (e.g., HTML into SDD) is also implemented as a function of the request of a service provider or a network server, and thus, a main station. Therefore, Schwartz fails to identically disclose (or even suggest) the features of claims 39 and 42 with respect to *a matching device having a control unit that controls the message exchange between at least one main station and a terminal as a function of at least one request from the at least one main station*. Moreover, Schwartz fails to identically disclose (or even suggest) the features of claims 39 and 42 with respect to *matching at least one property for the transmission to the at least one request of the at least one main station*.

The Final Office Action asserts on page 2 that Applicants' arguments filed 3/20/06 with respect to claims 39 and 42 were not persuasive. However, page 2 of the Final Office Action, which is entitled "Response to Arguments," provides no further explanation as to why the Examiner believes that the asserted prior art reference(s) discloses the features of claims 39 and 42 with respect to a request that originates from at least one main station. Indeed, page 2 of the Final Office Action is silent with respect to these claimed features. Moreover, the remarks on pages 3 to 4 of the Final Office Action seem to be directed to features not recited in claims 39 and 42. In particular, pages 3 to 4 of the Final Office Action refer to a request from the user of the terminal, rather than from a main station, as required in claims 39 and 42. (See, for example, page 3 of the Final Office Action, which states that "Schwartz discusses based on request for communication and the inputs *from the user of the terminal*, i.e., the inputs sent to the link server as a URL and device characteristics, the link server retrieves a specified type of data from the network server ..." (emphasis added)).

The Advisory Action refers to Figures 9A and 9B, as well as column 18, line 12 to column 19 line 17, of Schwartz as disclosing the features of claims 39 and 42 regarding a message exchange between the at least one main station and the terminal being controlled by the matching device as a function of at least one request of the at least one main station. In the portions of Schwartz cited by the Examiner, however, the important point is how messages from the Internet are processed by the link server and passed on to the terminal, the corresponding design layout of which is shown in Figure 3A of Schwartz. In this context, there are two different message types which are able to be received in link server 300 from Internet 304, namely, so-called "notifications" and so-called mark-up language (ML) files. The notifications show the arrival of an electronic mail or the satisfaction of certain requirements on a network server of the Internet, for instance, the sale of shares at a limited price. The notifications record a device identification which identifies the mobile terminal, a notification type that causes the mobile terminal to beep,

vibrate or display a visual mark on the display, a notification title, a time during which the notification should be delivered to the terminal and a URL, via which the user can respond to the notification. The notifications are stored in a list in the link server if they cannot be sent immediately to the terminal. In the case of the ML files, these are processed by a message processor in the link server at program point 938. This includes the storage and the analysis of the corresponding ML files, in order to generate an internal data structure which is required in order to generate SDD files. In particular, at program points 940 and 942, all URL's in the received ML files are replaced by corresponding address identifiers. At program point 944, the message processor of the link server converts the processed ML files to SDD files, corresponding to the information about the properties of the mobile terminal, in order to make possible a correct display of the SDD files at the mobile terminal.

Consequently, only in col. 19, lines 9 to 13 of Schwartz is there any discussion of a request for control of the message exchange by the matching device between a main station and a terminal in the form of the information concerning the properties of the mobile terminal. These requests thus originate with the mobile terminal, and not with the main station, and thus the parts of Schwartz cited by the Examiner are consistent with Appellants' arguments presented herein. Indeed, at no place in Schwartz is one able to infer that a server or a main station of the Internet directs a request to link server 300, let alone a request for control of the message exchange between the main office and the terminal. With regard to the main office or the network server of the Internet, one can only infer from portions of Schwartz cited by the Examiner that this network server can send two different types of messages to the link server, both message types being provided, however, for passing on, possibly after a format change, to the terminal, and consequently none of the message types represents a request to the link server as to how this link server is to control the exchange of messages between the network server and the terminal.

Rather, in Schwartz, the link server is clearly, independent of an input from a network server, preprogrammed in such a way that it is able to distinguish different received message types and process them further according to the message type recognized, and for the further processing or the conversion of received ML files it only having to observe an input on the part of the terminal.

In this regard, in the first paragraph of the Advisory Action, the Examiner does not assert that the message exchange between the network server and the terminal in Schwartz is controlled as a function of a request from the network server; instead, the Examiner refers to the distinction of the account manager at program point 912, made in the link server, as to whether the message received by the link server comes from the network server or from the terminal. However, this has nothing to do with a request for control of the message exchange. With regard



to such a request, the Examiner states in the Advisory Action that Schwartz describes the request for control of a message by the network server ("Schwartz disclos[es] requesting for the control of the message from the network server"). There is indeed such a request for control of the message received by the network server at the cited section, namely, as was described above, in col. 19, lines 9 to 13, according to which, depending on the information concerning the properties of the mobile terminal, the conversion of the processed ML files into SDD files takes place. Thus, in this instance, the request originates with the terminal, as was described before, and not with the network server. The Examiner may be misinterpreting the notification or ML file message that is to be transmitted from the network server to the terminal via the link server with a request made (according to current Claims 39 and 42) for such a transmission from the network server. In any case, it is clear that the messages from the network server received in the link server of Schwartz have nothing to do with a request for control of the transmission of messages between the network server and the terminal via the link server.

Therefore, for at least these reasons, claims 39 and 42 are allowable over Schwartz. Accordingly, it is respectfully requested that the anticipation rejection of claims 39 and 42 should be reversed.

**B. REJECTION OF CLAIMS 30 AND 31**

Claims 30 and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schwartz in view of Kingdon.

Claim 30 relates to a method for transmitting messages between at least two main stations and a terminal via a telecommunications network, the method including providing a matching device between the at least two main stations and the terminal, and controlling a message exchange using the matching device. The message exchange being controlled in dependence upon at least one request from one of the at least two main stations.

Similarly, claim 31 relates to a matching device for transmitting messages between at least two main stations and a terminal via a telecommunications network, the matching device including at least one interface to at least one of the at least two main stations, an interface to the terminal, a storage device configured to store at least one request from at least one of the at least two main stations for controlling a message exchange between the at least two main stations and the terminal, and a control unit configured to control the message exchange as a function of the at least one request.

Schwartz, by contrast, as explained above, refers to a mobile unit that is connected to a link server via a radio communication network, and to service providers that are connected to

the link server via a fixed network developed as Internet. Here, the link server has the task of carrying out a format transformation of the signals received by the Internet (e.g., HTML) into signals which are able to be transmitted via the radio communications network to the mobile station and displayed there (e.g., screen description data (SDD)). In the format transformation, the link server must observe requests of the mobile unit with respect to type and size of the display device of the mobile unit. Hence, the request is transmitted by the mobile unit to the link server. (See col. 11, lines 18 to 33).

According to the subject matter of claims 30 and 31, by contrast, the message exchange is controlled by the matching device as a function of at least one request of the at least two main stations, which means that, according to the subject matter of claims 30 and 31, the *request for the control of the message exchange of the matching device is made on the part of the two main stations, and not on the part of the terminal*, as disclosed by Schwartz. Indeed, Schwartz does not disclose or suggest that the format transformation therein, for instance, HTML into SDD, is also implemented as a function of the request of a service provider or a network server, and thus, a main station. Thus, Schwartz fails to disclose or suggest the features of claims 30 and 31 with respect to a matching device having a control unit that controls the *message exchange between at least two main stations and a terminal as a function of at least one request from at least one of the at least two main stations*.

Likewise, Kingdon also does not disclose or suggest these features of claims 30 and 31 because in Kingdon, too, it is only the mobile subscriber who selects the format for the requested location information. In particular, Kingdon in no way suggests that, for the message exchange between a main station and a terminal via a matching device, the control of the message exchange by the matching takes place *as a function of a request that is made by the main station*, such as, for instance, by Mobile Positioning Center 270. Indeed, according to Kingdon, only the mobile subscriber makes a request for the format of the location information that is to be sent to him. (See col. 4, lines 47 to 53).

The Final Office Action asserts on page 2 that Applicants' arguments filed 3/20/06 with respect to claims 30 and 31 were not persuasive. However, from the statements made on page 2 of the Final Office Action, it appears that the amendments to claims 30 and 31 were not recognized by the Examiner, and thus the remarks of the Final Office Action are not based on the current version of claims 30 and 31. In particular, claims 30 and 31 were amended to exclude the feature that the at least one request originates from the terminal, and so instead at present, claims 30 and 31 provide that the at least one request is from at least one of *the at least two main stations*. However, page 2 of the Final Office Action asserts that Schwartz discloses a message

transfer, which is controlled as a function of the at least one request of the terminal. (See, for example, Final Office Action page 2, which states that “Schwartz discloses messages between the main stations and the terminal as a function of at least on [sic] request of the terminal.” (emphasis added)). Therefore, in view of the *presently* claimed subject matter of claims 30 and 31, the statements on page 2 of the Final Office Action do not apply.

Moreover, with respect to a request for control of a message exchange between at least two main stations and one terminal via a matching device according to a request of at least one of the at least two main stations, as was described above, such a request of a main station in the form of a network server cannot be inferred from Schwartz. This also applies to Kingdon, which is being cited by the Examiner only for the feature of the at least two main stations. The discussion in col. 4, lines 38 to 45 of Kingdon only describes a request of the mobile subscriber for the selection of the format of location information sent back (col. 4, lines 47 to 48), but no request on the part of the main office (in the case of Kingdon, of the mobile positioning center MPC). In this regard, the “nodes” of the Internet discussed in col. 4, line 44 of Kingdon are not comparable to the main stations of claims 30 and 31. The “nodes” of the Internet merely suggest switching exchanges within the transmission medium of the Internet, which hardly suggests multiple main stations, and Kingdon clearly teaches only one mobile positioning center MPC which may be a main station. Even if “nodes on the Internet” according to col. 4, line 43 of Kingdon could somehow be regarded as end points of a communications connection, this still does not teach that main stations according to current claims 30 and 31 are involved, since many other types of devices, e.g., terminals, could be involved. As the only main station in Kingdon, the mobile positioning center MPC is described, and thus only a single main station is disclosed in Kingdon.

Consequently, the claimed feature of a request by at least one of the at least two main stations for the control of the message exchange can not be suggested by a combination of the Schwartz and Kingdon. Accordingly, for the foregoing reasons, Schwartz and Kingdon, either individually or in combination, fail to disclose or suggest all of the features recited in claims 30 and 31. Accordingly, for at least these reasons, the rejections of claims 30 and 31 as unpatentable should be reversed.

#### **C. REJECTION OF CLAIMS 37, 38, 40 AND 41**

Claims 37, 38, 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz in view of Kingdon.

Claim 37 relates to a method for transmitting messages between different main stations and at least one terminal via a telecommunications network, the different main stations offering different services, the method including controlling an exchange of messages by a matching device between the different main stations and the terminal as a function of at least one request of the terminal, and matching by the matching device in the direction of transmission from the different main stations to the terminal the different services to a uniform service according to the at least one request of the terminal.

Similarly, claim 40 relates to a telecommunications network, which includes a plurality of different main stations to offer different services, a terminal, and a matching device arranged between the different main stations and the terminal to control an exchange of messages between the main stations and the terminal as a function of at least one request of the terminal, the matching device in a direction of transmission from the different main stations to the terminal matches the different services to a uniform service according to the at least one request of the terminal.

Thus, according to the subject matter of claims 37 and 40, a message exchange between different main stations and at least one terminal via a telecommunication network is involved. In this context, the message exchange is controlled by a matching device, and indeed as a function of at least one request of the terminal. Here, the different main stations provide different services, and because of the matching device, in the direction of the transmission from various main stations to the terminal, the different services are matched to an integrated service according to the at least one request of the terminal.

According to Schwartz, different main stations, in the form of service providers of the Internet, offer different information services, such as finance information or personal information. (See col. 16, lines 46 to 50; col. 14, lines 50 to 55). In this regard, however, a matching to an integrated service for transmission to the terminal would mean, for example, that both the finance information of the one service provider and the personal information of the other service provider are transmitted in the form of personal information to the terminal when the terminal has made the request that it wishes to receive only personal information as a service. The present application describes, for example, services such as the Multimedia Messaging Service (MMS), the Short Message Service (SMS), e-mail services, fax services, voice mail services or the like. In this context, the terminal may, for example, request that the services transmitted to the terminal should be transmitted in the form of the SMS message. (See, e.g., pages 9 to 10 of the Specification). However, such a service matching is not disclosed or suggested by Schwartz; instead, Schwartz discloses a pure protocol of format conversion. (See,

e.g., col. 7, lines 52 to 55, col. 8, lines 55 to 58, and col. 9, lines 29 to 39). Likewise, Kingdon describes a pure format conversion of the location data into a format requested by the mobile subscriber. (See col. 5, lines 39 to 45). Accordingly, Schwartz and Kingdon, either individually or combined, do not disclose or suggest the features of claims 37 and 40 with respect to various services that are matched to an integrated service according to at least one request of the terminal by the matching device in the direction of transmission from the main station to the terminal. Therefore, for at least these reasons, the combination of Schwartz and Kingdon does not render claims 37 and 40 unpatentable.

Claim 38 relates to a method for transmitting messages between different main stations and at least one terminal via a telecommunications network, the different main stations offering different services, the method including controlling an exchange of messages by a matching device between the different main stations and the terminal as a function of at least one request of the terminal, and matching by the matching device in the direction of transmission from the different main stations to the terminal the different services to a uniform transmission mode according to the at least one request of the terminal.

Claim 41 relates to a telecommunications network, which includes a plurality of different main stations to offer different services, a terminal, and a matching device arranged between the different main stations and the terminal to control an exchange of messages between the different main stations and the terminal as a function of at least one request of the terminal, the matching device in the direction of transmission from the different main stations to the terminal matches the different services to a uniform transmission mode according to the at least one request of the terminal.

It is respectfully submitted that Schwartz and Kingdon, either individually or combined, do not disclose or suggest the features of claims 38 and 41 with respect to different services that are matched to an integrated transmission mode according to the at least one request of the terminal by the matching device in the direction of transmission from the main station to the terminal. In this context, page 10 of the Final Office Action refers to a control of the message exchange via a format conversion by the matching device, which, however, is not at all the subject matter of current claims 38 and 41. Rather, claims 38 and 41 refer to the matching of different services to an integrated transmission mode according to the at least one request of the terminal. In this regard, it is respectfully submitted that such a transmission "mode" should not be confused with "format." In particular, the transmission mode is not the data format, but rather the organization of the transmission itself, which, for example, may be in the form of a push mode or pull mode. Thus, depending on the transmission mode, a message from the mail server is

transmitted either on the initiative of the terminal or on the initiative of the mail server. By contrast, Kingdon, in particular, refers only to a format conversion in response to a message exchange between the mobile positioning center and the terminal, and not to the matching of different services to an integrated transmission mode, as required by claims 38 and 41. Hence, Schwartz and Kingdon, either individually or combined, do not disclose or suggest the features of claims 38 and 41 with respect to different services that are matched to an integrated transmission mode according to at least one request of the terminal by the matching device in the direction of transmission from the main station to the terminal.

The Final Office Action asserts on page 2 that Applicants' arguments filed 3/20/06 with respect to claims 37, 38, 40 and 41 were not persuasive. However, page 2 of the Final Office Action provides no further explanation as to why the Examiner believes that the asserted prior art reference(s) disclose the features of claims 37, 38, 39 and 40 with respect different services that are matched to an integrated transmission mode or service. Indeed, page 2 of the Final Office Action is silent with respect to these claimed features. Moreover, the remarks on pages 7 to 8 of the Final Office merely cite to certain portions of the Schwartz reference without further explanation or discussion as to exactly what aspects of the Schwartz reference disclose the features in question.

Accordingly, for at least these reasons, claims 37, 38, 40 and 41 are patentable over Schwartz in view Kingdon, and therefore reversal of the rejection of these claims is respectfully requested.


#### **VIII. CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the final rejections of claims 30, 31, and 37-42 should be reversed.

Claims Appendix, Evidence Appendix and Related Proceedings Appendix are attached on the following pages.

Respectfully submitted,

KENYON & KENYON LLP

 (R. No. 36,197)

Dated: February 21, 2007

By: JONG LEE for Gerard Messina  
Gerard A. Messina  
Reg. No. 35,952  
(212)425-7200  
CUSTOMER NO. 26646

## **APPENDIX TO APPELLANTS' APPEAL BRIEF**

### **I. CLAIMS APPENDIX:**

The claims involved in this appeal, claims 30, 31 and 37-42, in their current form after entry of all amendments presented during the course of prosecution, are set forth below:

30. A method for transmitting messages between at least two main stations and a terminal via a telecommunications network, comprising:

providing a matching device between the at least two main stations and the terminal; and

controlling a message exchange using the matching device, the message exchange being controlled in dependence upon at least one request from one of the at least two main stations.

31. A matching device for transmitting messages between at least two main stations and a terminal via a telecommunications network, comprising:

at least one interface to at least one of the at least two main stations;

an interface to the terminal;

a storage device configured to store at least one request from at least one of the at least two main stations for controlling a message exchange between the at least two main stations and the terminal; and

a control unit configured to control the message exchange as a function of the at least one request.

37. A method for transmitting messages between different main stations and at least one terminal via a telecommunications network, the different main stations offering different services, the method comprising:

controlling an exchange of messages by a matching device between the different main stations and the terminal as a function of at least one request of the terminal; and

matching by the matching device in the direction of transmission from the different main stations to the terminal the different services to a uniform service according to the at least one request of the terminal.

38. A method for transmitting messages between different main stations and at least one terminal via a telecommunications network, the different main stations offering different services, the

method comprising:

controlling an exchange of messages by a matching device between the different main stations and the terminal as a function of at least one request of the terminal; and

matching by the matching device in the direction of transmission from the different main stations to the terminal the different services to a uniform transmission mode according to the at least one request of the terminal.

39. A method for transmitting messages between at least one main station and at least one terminal via a telecommunications network, the method comprising:

controlling an exchange of messages by a matching device between the at least one main station and the terminal as a function of at least one request of the at least one main station; and

matching by the matching device at least one property for the transmission of the message to the at least one request of the at least one main station, wherein the at least one property for the transmission of the message includes at least one of a data type, a data format, and a transmission mode.

40. A telecommunications network, comprising:

a plurality of different main stations to offer different services;

a terminal; and

a matching device arranged between the different main stations and the terminal to control an exchange of messages between the main stations and the terminal as a function of at least one request of the terminal, the matching device in a direction of transmission from the different main stations to the terminal matches the different services to a uniform service according to the at least one request of the terminal.

41. A telecommunications network, comprising:

a plurality of different main stations to offer different services;

a terminal; and

a matching device arranged between the different main stations and the terminal to control an exchange of messages between the different main stations and the terminal as a function of at least one request of the terminal, the matching device in the direction of transmission from the different main stations to the terminal matches the different services to a uniform transmission mode according to the at least one request of the terminal.



42. A telecommunications network, comprising:

at least one main station;

a terminal; and

a matching device arranged between the at least one main station and the terminal to control an exchange of messages between the at least one main station and the terminal as a function of at least one request of the at least one main station, the matching device matches at least one property for a transmission of the message to the at least one request of the at least one main station, wherein the at least one property for the transmission of the message includes at least one of a data type, a data format, and a transmission mode.

## **II. EVIDENCE APPENDIX**

In the present application, there has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 or 1.132, or other evidence entered by the Examiner and relied upon by Appellants in the present appeal.

## **III. RELATED PROCEEDINGS APPENDIX**

No appeal or interference which will directly affect, or be directly affected by, or have a bearing on, the Board's decision in the pending appeal is known to exist.